



# Giz Watson MLC

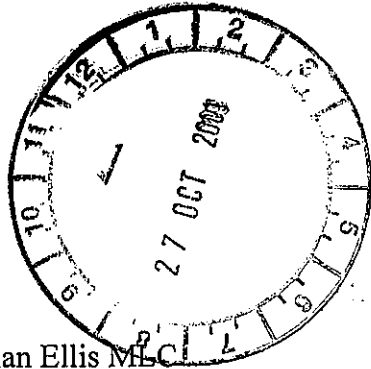
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Hon Brian Ellis MLC  
Chairman  
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Parliament House  
PERTH WA 6000

# PUBLIC

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*mailed  
25/10  
2009*

Dear Mr Ellis

### Re: Petition No. 43 – Transportation of detained persons

Thank you for your letter of 23 September 2009 inviting me to provide a written submission.

I confirm that I do wish the Committee to inquire into the matters raised in the petition. I acknowledge the request that I limit my comments to a maximum of 2 pages and accordingly my brief comments follow.

Regarding item 2, I understand that the question of criminal charges against the two guards is currently being considered. I am unaware of whether the possibility of charges against any other person has been considered and if so, what the outcome was. I submit that it is appropriate for this question to be investigated.

Regarding items 4 and 5, I am aware of the government's response to Recommendations 9 to 12 of the coroner. However the fundamental question of whether or not it is possible for the government to effectively carry out its duty of care to prisoners via a private service provider and if yes how best to do so has not to my knowledge been publicly reviewed following Mr Ward's death. I submit the magnitude of the system failure in Mr Ward's case merits a public inquiry that goes beyond merely attempting to improve the current arrangements and instead focuses on this fundamental question.

Regarding items 7, 8 and 10, Committee members will be well aware of the long standing and continuing over-representation of Aboriginal people, particularly juveniles, in custody (see for example the latest weekly offender statistics:

<http://www.correctiveservices.wa.gov.au/files/Prison%20Count/ctn091015.pdf>)

The reasons, the solutions, and the systemic contributors to this situation have been repeatedly identified (eg the 1991 Royal Commission into Aboriginal Deaths in Custody,

the Mahoney Inquiry in 2005, Project 94 of the Law Reform Commission of Western Australia in 2006, information provided to government via the groups established under the Aboriginal Justice Agreement, information provided to government via Lieutenant General John Sanderson AC, and submissions to government by the Aboriginal Legal Service on a wide range of topics.) Yet the gross over-representation of Aboriginal people in custody continues. Recommendation 3 of the Mahoney report was that the Department of Justice (as it then was) should develop unequivocal objectives for the corrections system that form the basis of all policies and actions of the Department. The reasoning was that unless its conceptual components were correct and were correctly understood, the system would not work as it should; those concerned in operating it would not know why they were doing what they were doing, nor the objectives they were trying to achieve. Items 7, 8 and 10 essentially seek that reduction of the number of Aboriginal people in custody become a clear and unequivocal objective of the government (particularly the Departments involved in the justice system) and propose ways for such an objective to be implemented. Given the long failure of successive governments to achieve a significant reduction in the number of Aboriginal prisoners, I submit that this is an appropriate matter for inquiry.

Regarding items 1, 3, 6 and 9, I have previously been provided with a copy of the Deaths in Custody Watch Committee's report "Special Report of a Working Party of the Deaths in Custody Watch Committee: The Ward Case and Lessons for the WA Government: System-Wide Dysfunction Requires a System Wide Approach" and I understand a copy of that report has been provided to the Standing Committee. That report, like the reports referred to above, identifies issues which have not been adequately addressed for reasons including lack of ongoing monitoring, lack of enforcement of available remedies and lack of prioritisation. I submit that this underlines the need for inquiry.

Yours sincerely



Giz Watson MLC  
Member for North Metropolitan Region

23 October 2009

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